APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/711,403	11/13/2000	Kenneth Charles Cox	4366-67	7629

7590 08/31/2004	EXAMINER
SHERIDAN ROSS P.C. Douglas W. Swartz 1560 Broadway Road Suite 1200 Denver, CO 80202	AMINI, JAVID A

ART UNIT	PAPER NUMBER
2672	17

DATE MAILED: 08/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/711,403	COX ET AL.
	Examiner	**Art Unit**	
	Javid A Amini	2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 May 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,10-13,15-23,25-27,35-44 and 47-49* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7,10-13,15-23,25-27,35-44 and 47-49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 21,

2004 has been entered.

Response to Arguments

Applicant's arguments with respect to claim1-46 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-7, 10-13, 15-23, 25-27, 35-44, and 47-49 rejected under 35

U.S.C. 102(a) as being anticipated by Microsoft Office 2000 professional edition (G.

Courter; A. Marquis, dated 1999), hereinafter referred as an Office2000).

1.   Claim 1.

Office2000 on pages 589-602 in figs. 23.4, 23.5, 23.8, 23.9, 23.11 and 24.1 teaches the

step of, "a display device, and a display controller operable to display a first graphical

image of tabular data, accept a user selected range of values for editing of the first

graphical image, wherein the range of values are included within the first graphical

image" (applicant discloses on page 3 first paragraph in the specification the definition

for the "display controller" as follows: The display controller and display device operate

in concert to display graphical, diagramatic, images that are representative of numerical,

tabular data. Additionally, the interactive display system may be configured to create or

modify data tables and the data tables may be used. Also Applicant on page 6 lines 3-5

discloses that the automated system may include a computer and/or a combination of

hardware and software developed.) The combination of hardware and software and/or a

general computer is inherent. A display controller that controls the graphical and the

display is integrated with micro-controller(s). By using C and Assembly language a

person skilled in the art would have programmed a micro-controller to develop a

combination of hardware and software. Office2000 illustrates specifically the description

of the display controller and display device in fig. 24.7 on page 609. Office2000 in figs.

24.5 and 24.6 illustrates the first graphical image of the tabular data in fig. 24.1 in the

form of a bar chart and a stacked chart, accept a user selected editing function from

among a plurality of possible editing functions, see Office2000 on page 591 in fig. 23.5

selecting or entering functions from function box menu, and alter the first graphical

image to produce a second graphical image, Office2000 on page 592 in figs. 23.6 and

23.7 illustrates different function, for example the first graphical image in fig. 24.5

represents the tabular data in fig. 23.8 under total of ticket sales of first quarter.

Office2000 on page 614 figs. 24.12 illustrates adding data series to the first graphical

image to create a second graphical image and also by adding more data series to the first

and/or to the second graphical images the third and so on graphical images will be

created. A user could be selecting the total sales for the first graphical image (example in

the fig. 24.12 is Reno), and also could select to calculate average or percentages

(mathematical equations) of the sales in fig. 23.8 to create a chart or graphical image

data. As Applicant claims: "Wherein the second graphical image comprises at least one

unaltered portion of the first graphical image outside of the selected range and an altered

portion of the first graphical image within the selected range, the altered portion being

derived from the editing function, wherein the display controller is configured to display

the editing function as a editing option referencing a mathematical equation and permit a

user to edit the tabular data by selecting the displayed editing function to be applied to the

data display element." Office2000 on page 614 in fig. 24.12 illustrates a tabular data and

graphical representation for first quarter ticket sales. As an example: the first graphical

image is represented by Reno (shown sales $90 for March, $87 for Feb., and $93 for Jan.)

and on the second graphical image that is corresponded to the Reno (unaltered in respect

to the first graphical image) and Phoenix sales. By applying a mathematical equation that

illustrates on page 590 of Office2000, a user would have edited the tabular data on page

614 to display the data image in different format (meaning: addition, subtraction,

multiplication, division, percentages and etc.).

2.   Claim 2.

The step is inherent because Office2000 in fig. 24.7 teaches the step of, "wherein first

graphical image is a line chart".

3.   Claim 3,

The step is inherent because Office2000 in fig. 24.7 teaches the step of "wherein first

graphical image is a stacked bar chart".

4.   Claim 4.

The step is inherent because Office2000 on page 613 discloses adding a data series

"wherein the controller is configured to permit a user to edit the tabular data by adding a

data display element".

5.   Claim 5.

The step is inherent because Office2000 on page 606 in fig. 24.5 illustrates three different

graphical images in bar chart type, a user could select a line chart graphical image from

fig. 24.7. "wherein the added data display element within the second graphical image is a

second line within a line chart, wherein the first graphical image is a first line within the

line chart".

6.   Claim 6.

The step of "wherein the added data display element is a first bar within the second

graphical image in a stacked bar chart and wherein the first graphical image is a first bar

within the stacked bar chart", is inherent because Office2000 illustrates in fig. 24.6 the

stacked cgart..

7.   Claim 7.

The step is inherent because by selecting a different function for each row, a user could

be displaying altered data verses unaltered data series. "wherein the controller is further

operable to alter the first graphical image to produce a third graphical image, wherein the

third graphical image comprises at least an unaltered portion of the first graphical image

and an altered portion of the first graphical image derived from a second editing function

and wherein the selected editing function in step 1 and the second editing function are

applied to the first graphical image over an overlapping range of values and

simultaneously display the second and third graphical images to the user to permit the user to select between the second and third graphical images".

8.   Claim 10.

The step is inherent because, Office2000 on page 590 discloses the limitation in claim 10.

9.   Claim 11.

See pervious rejection.

10.   Claims 12 and 13.

See rejection of claims 2 and 3.

11.   Claim 35.

Office2000 on page 660 using the pivotable wizard is one type of simulator configured to receive data.

12.   The rejection of claims 15-23, 25-27, 36-44, and 47-49 are similar to the rejection of claims 1-7, 10-13 and 35. One of the function options in the Office2000 is updating links, meaning, source workbook is depended to other workbook in the database see office2000 on page 681-691.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A Amini whose telephone number is 703-605-4248. The examiner can normally be reached on 8-4pm.
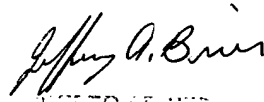
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 703-305-4713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

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Javid A Amini
Examiner
Art Unit 2672

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Javid Amini

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JEFFER / BRIEF
PRIMARY EXAMINER

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